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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,057	06/30/2000	Steve Kakouros	10004812-1	9467
7590 12/18/2006 HEWLETT-PACKARD COMPANY			EXAMINER	
Intellectual Property Administration			CUFF, MICHAEL A	
P.O. Box 2724 Fort Collins, C			ART UNIT PAPER NUMBER	
			3627	
SHORTENED STATUTOR	RY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONTHS		12/18/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary Examinar		Application No.	Applicant(s)	
Michael Cuff 3e27		09/608,057	KAKOUROS ET AL.	
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extentions of time may be available under be provided of 37 CFR 1.1896, in covent, however, any eaply be timely filled and SX (8) MONTHS from the mailing date of this communication. Fallish to reput which the side or accordance derived for region of 37 CFR 1.1896, in covent, however, any eaply be timely filled and SX (8) MONTHS from the mailing date of this communication. Fallish to repow which the side or demanded period for region (still) by statistic, usage and path the application for the mailing date of this communication. Fallish to repow which the side or demanded period for region is the supplication for side of this communication, were if timely filled, may reduce any seamed pathent an adjustment. Sea 97 CFR 1.79(1). Status 1) September 2006. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-6,8,9.12 and 14-21 is/are pending in the application. 4) Of the above claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the cert	Office Action Summary	Examiner	Art Unit	
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DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6, 8-9, 12, and 14-21 are rejected under 35 U.S.C. 101 because the claims lack a tangible result.

The examiner and the attorney have worked to resolve this issue in the past.

Unfortunately, the office did not concur with the examiner's suggested language. The examiner apologizes for the confusion. The following suggested claim language has been approved by the "101 help panel" so that this issue will not arise again.

Claim 1 (currently amended): A machine-implemented inventory planning method, comprising

Computing and generating an optimal safety stock level record for a product ...

Claim 9 (currently amended): A machine-implemented inventory planning method, comprising

Computing and generating an optimal safety stock level record ...

This claim language mirrors the claim language of AT&T Corp v. Excel

"generating a message record for ..."

So there will be no question on the claims meeting the 101 requirement.

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In addition, it is clear from figures 5 and 6 that a record of the optimal safety stock level is generated, thus meeting the enablement requirement.

Allowable Subject Matter

Claims 1-6, 8-9, 12, and 14-21 would be allowable if rewritten to overcome the 101 rejection.

Claim 1 recites that the safety stock is directly calculated from specific parameter values. One of the values is "a value of a cost of obtaining the product from one or more spot market sources". A spot market is a market where products can be obtained with zero lead-time. The prior art, such as Brinkley, considers if products can be obtained in a spot-market, but falls way short of showing that an actual value of the cost of obtaining the product in this manner is directly used in a calculation of safety stock.

Claim 9 recites the subject matter stated in a previous office action, 6/2/06, to be allowable subject matter.

Claims 2-6, 8, 12, and 14-21 are dependent upon claims 1 and 9.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Cuff

December 11, 2006

laff 12/11/06